

DOCKET: AQUT100001000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR:	Rikki Craig Buckworth	)	EXAMINER:	
SERIAL NO.:	10/537,106	)	ART UNIT:	3643
FILING DATE:	December 02, 2003	)	DATE:	May 3, 2006
FOR:	Fish Biopsy Device	)		

**REQUEST FOR REFUND**

Mail Stop \_\_\_\_\_  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being facsimile transmitted to  
the Patent and Trademark Office on the date shown below.

Name: Barbara Browne Date: May 3, 2006

Signature: *Barbara Browne*

**ATTENTION: REFUND BRANCH**

Dear Sir:

The undersigned respectfully requests a refund of the charges of \$3500.00 and \$360.00 in the above referenced application made to deposit account no. 04-0566 in the statement dated 2-28-06 (copy enclosed).

The charges made by the PTO are believed to be fees for additional claims in filing the referenced application. Applicant believes that these charges were made in error.

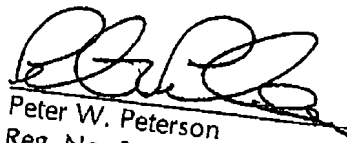
The application as-filed contained 28 claims, with 2 independent claims. The transmittal letter (copy enclosed) indicated these in the fee calculation section, and a check was enclosed in the amount of \$1400.00 to cover the basic national fee (\$300.00), examination fee (\$200.00), search fee (\$500.00) and eight additional claims (\$400.00).

2

Accordingly, the undersigned requests that a credit of \$3860.00 be made to deposit account no. 04-0566.

Additionally, the erroneous charges made to deposit account no. 04-0566 in the 2-28-06 statement resulted in the account balance falling below the required minimum, and \$25.00 service charges were then applied in each of the statements of 2-28-06 and 3-31-06. The undersigned respectfully requests that credits for these service charges (and any subsequent similar service charges) be made to deposit account no. 04-0566.

Respectfully submitted,



Peter W. Peterson  
Reg. No. 31,867

DeLIO & PETERSON, LLC  
121 Whitney Avenue  
New Haven, CT 06510-1241  
(203) 787-0595

aqut100001000req\_ref.doc



## UNITED STATES PATENT AND TRADEMARK OFFICE

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To replenish your deposit account, detach and return top portion with  
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Account No.	040566
Date	2-28-06
Page	1

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2	8	06	15	10537106	AQUT100001000	1616	360.00	872.00
2	23	06	1	11141594	CWL 12005000	2814	65.00	807.00
2	23	06	3	11336252	FOOT110001000	2202	25.00	782.00
2	28	06	35	SERVICE CHARGE		9202	25.00	757.00

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Matthew Lee 571-272-6343  
H/C 3/2/06  
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PTO-1380 (Rev. 12-2004)  
for use through 3/31/2007, OMB 0851-0021

# TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.  
PCT/AU2003/001609

INTERNATIONAL FILING DATE  
2 December 2003

ATTORNEY'S DOCKET NUMBER  
AQU100001000

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

TITLE OF INVENTION  
FISH BIOPSY DEVICE

PRIORITY DATE CLAIMED  
2 December 2002

APPLICANT(S) FOR DO/EO/US

Rikki Craig BUCKWORTH et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.

3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.

4. ☒ The US has been elected (Article 31).

5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))

- a. ☒ is attached hereto (required only if not communicated by the International Bureau).
- b. ☐ has been communicated by the International Bureau.
- c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).

6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).

- a. ☒ is attached hereto.
- b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).

7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))

- a. ☐ are attached hereto (required only if not communicated by the International Bureau).
- b. ☐ have been communicated by the International Bureau.
- c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
- d. ☐ have not been made and will not be made.

8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unexecuted)

10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(6)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.

14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.

16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.

18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☒ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

20. ☒ Other items or information: International Search Report and International Preliminary Examination Report

This collection of information is required by 37 CFR 1.414 and 1.491-1.482. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Approved for use through 3/31/2007. OMB 0851-0021  
PTO-1390 (Rev. 12-2004)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/AU2003/001609

ATTORNEY'S DOCKET NUMBER  
AQUT100001000

21. The following fees are submitted:

- ☒ a) Basic national fee..... \$300.00  
☒ b) Examination fee..... \$200.00  
☒ c) Search fee..... \$500.00

TOTAL OF ABOVE CALCULATIONS =

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. \$1000.00

Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
50 - 100 =	0	150 =	x \$250.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	28	- 20 =	
Independent claims	2	- 3 =	0

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by %.

TOTAL OF ABOVE CALCULATIONS = \$1400.00

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

SUBTOTAL = \$1400.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.

TOTAL NATIONAL FEE = \$1400.00

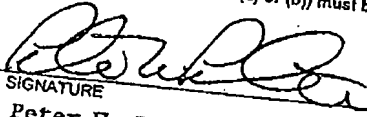
TOTAL FEES ENCLOSED = \$1400.00

Amount to be refunded: \$  
Amount to be charged: \$

- a. ☒ A check in the amount of \$ 1400.00 to cover the above fees is enclosed.  
b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.  
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0566. A duplicate copy of this sheet is enclosed.  
d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

  
SIGNATURE  
Peter W. Peterson  
NAME  
31,867  
REGISTRATION NUMBER

06/03/2006 11:13 FAX 2037875818

DeLio&Peterson

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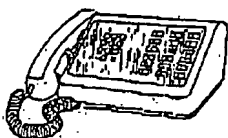
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PARAPROFESSIONALS

TODD W. PATTIST  
BRENDA A. SULLIVAN



## FACSIMILE COVER LETTER

Our Ref.:	AQUT100001000	Your Ref.:	S/N 10/537,106
Please Deliver To:	REFUND BRANCH U.S.P.T.O.	Fax No. Called:	571-273-6500
From:	Peter W. Peterson DeLio & Peterson, LLC	ART UNIT	3643
Date:	May 3, 2006		

We are transmitting 6 pages (including this cover sheet)

### MESSAGE:

REFUND REQUEST - S/N 10/537,106

**PLEASE ACKNOWLEDGE RECEIPT!!!**

12. The device of claim 1, wherein said aperture is a hole or slot cut through the wall of the tube forming the tip portion.
13. The device of claim 1, wherein said bend is fabricated from a material selected from the group consisting of plastics, ceramics, metals and alloys.
- 5 14. The device of claim 13, wherein said bend is fabricated from copper.
15. The device of claim 13, wherein said bend is fabricated from aluminium alloy.
16. The device of claim 13, wherein said bend is in the form of a tube or a solid wire.
17. The device of claim 1, wherein said bend and shank are formed from a single piece of material.
- 10 18. The device of claim 1, comprising a plurality of hooks.
19. The device of claim 18, wherein said plurality of hooks are linked by a common shank.
20. The device of claim 18, wherein each of said plurality of hooks has a shank and the shanks are linked to form the device.
21. The device of claim 18, wherein said hooks are positioned longitudinally with respect to each other, laterally with respect to each other, or a combination of longitudinally and laterally.
- 15 22. The device of claim 18, comprising two hooks.
23. The device of claim 18, comprising three hooks.
24. The device of claim 1, wherein said tip portion is threadingly engaged by said bend.
25. The device of claim 1, wherein said shank has an eye at the end thereof for attachment of a line to said device.
- 20 26. A method of obtaining biopsy material from a fish, said method comprising the steps of:
- i) providing a line with a device according to any one of claims 1 to 25 attached thereto;
  - ii) allowing a fish to strike said device;
  - iii) recovering said device after release from said fish; and